

REMARKS

Consideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 1-58, 60 and 63-140 are now pending, where claims 37-57 and 63-101 have been withdrawn from consideration. Claims 1, 6, 7, 10, 15, 16, 19, 24, 25, 28, 33, 34, 37, 40, 41, 44, 47, 48, 51, 54, 55, 58 and 60 have been amended.

The present Amendment responds to the Office Action dated August 18, 2010, in view of the helpful and courteous interview as conducted between the Examiner and Applicants' undersigned representative on June 11, 2010, and summarized in the Interview Summary of June 21, 2010.

During the interview the Examiner suggested to future define the structure of the barb (115) and the structure of the suture shaft, particularly as shown in figure 10C of the present application, to differentiate the structure of the barbs as shown in Applicants' figures and specification, and as described by Morency.

Following the suggestion of the Examiner, claims 1, 10, 19, 28, 37, 44, 51, 58 and 60, i.e., all pending independent claims, have been amended to more particularly point out and distinctly claim Applicants' invention. More specifically, these claims recite a barbed suture wherein the barbs have an underside, and the underside of the barb attaches to the suture body along a line that is transverse to the longitudinal axis of the elongated body and is arcuate. Support for this amendment can be found, e.g., in Figure 10B, which shows a barbed suture 110 including an elongated body 112, where the dashed line denoted as 119 shows the location where the underside of the barb 115 is attached to, i.e., projects from, the suture body 112. Consistent discussion of this Figure is found in paragraph [0183] of the published application (U.S. Publication No. 2004/0060409). Accordingly, the claim amendment is support by the specification as filed. With this amendment, Applicants respectfully contend that arcuate underside of the barbs of Morency cannot be confused with the arcuate line that defines the connection between the barbs and the elongated body of Applicants' claimed invention.

Claims 37-57 and 63-101 are currently pending but withdrawn from consideration. Nevertheless, the independent claims therein, namely claims 37, 44 and 51, have been amended to be consistent with the above discussion concerning the arcuate base of the barbs. At this time, and in view of the amendments that have been made to claims 37-57 and 61-101, Applicants

respectfully request that the Examiner reconsider the restriction requirement, and re-join the withdrawn claims, so that all pending claims 1-58, 60 and 63-140 might be deemed patentable in a Notice of Allowance. If the Examiner decides not to include claims 37-57 and 63-101 in the allowed claims, then at this time the Examiner receives Applicants' permission to cancel claims 37-57 and 63-101 by an Examiner's Amendment and thereby place the present application into condition for allowance.

In view of the above amendments and remarks, allowance of claims 1-36, 58, 60 and 102-140, or preferably claims 1-36, 58, 60 and 102-140, is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 216-4310 to resolve the same.

The Director is authorized to charge any additional fees due by way of this amendment, or credit any overpayment, to our Deposit Account No. 50-2574.

Respectfully submitted,

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